APPENDIX A

Opinion Below

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 12,582

UNITED STATES OF AMERICA

v.

GEORGE MASTROS, *Appellant.*

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Argued June 13, 1958

Before KALODNER, STALEY and HASTIE, *Circuit Judges*

Opinion of the Court

(Filed July 3, 1958)

PER CURIAM.

The appellant was convicted of filing a false claim against the Army in violation of Section 287 of Title 18 of the United States Code.

After a careful study of the record, we are convinced, contrary to appellant's contention, that there was ample evidence upon which the jury could base its verdict.

The claim, which was prepared in the form of a settlement proposal, clearly sought the collection of money from the United States Treasury. It is thus a "claim upon or against the United States" within the meaning of 18 U.S.C. § 287. See United States v. Cohn, 270 U.S. 339 (1926); cf. United States v. McNinch, — U.S. — (decided May 26, 1958).

The judgment of the district court will be affirmed.

A true Copy:

Teste:

Clerk of the United States Court of Appeals
for the Third Circuit

APPENDIX B

Judgment Below

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 12,582

UNITED STATES OF AMERICA

v.

GEORGE MASTROS, *Appellant.*

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Present: KALODNER, STALEY and HASTIE, *Circuit Judges.*

Judgment

This cause came on to be heard on the record from the United States District Court for the Eastern District of Pennsylvania and was argued by counsel.

On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said District Court in this case be, and the same is hereby affirmed.

Attest:
IDA O. CRESKOFF
Clerk

July 3, 1958